

THE  
T R Y A L S  
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Capt. *Samuel Goodere*, 94

MATTHEW MAHONY, and CH. WHITE,

For the Murder of

Sir JOHN DINELY GOODERE, Bart.

On Board the *Ruby* Man of War, *Monday, Jan. 19, 1740.*

At an Adjournment of the General Sessions of Oyer and Terminer for the City and County of *Bristol*, held before the Right Worshipful HENRY COMBE, Esq; Mayor, the Worshipful Mr. Serjeant FOSTER, Recorder, and the Worshipful the Aldermen, Justices assign'd to keep the Peace, and to deliver the Goal; on *Thursday, Friday, and Saturday*, the 26th, 27th, and 28th of *March, 1741.*

REVISED and CORRECTED.

*To which is prefix'd.*

Capt. SAMUEL GOODERE'S JOURNAL.

During the Time he serv'd as Lieutenant in the Navy in the Year 1719, in which are many curious Relations of several Gallant Enterprizes against the *Spaniards*; particularly at the Taking of *St. Sebastian's, Ferrol, and St. Antonio*; at which last Place he burnt three Men of War on the Stocks, viz. one of 70 and two of 50 Guns; as also the King's Magazines, Storehouses, and every Thing in them; together with all the Planks, Masts, and Yards that were there; he likewise demolish'd their Castles, spik'd their Cannon, threw them into the Sea, and burnt their Carriages: With an Account of other dangerous Exploits both by Sea and Land.

*As also,*


The voluntary (authentick) CONFESSIONS of *Matthew Mahony* and *Charles White*, relating to the aforesaid Murder; likewise, the Confessions of the Three Ruffians who Kidnapp'd Sir *John Dinely Goodere*, Bart.

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B R I S T O L.

Sold by the Bookfellers in Town and Country.

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# Mr. Sam. Goodere's Journal,

During the Time of his serving in the Navy,  
from *May* 24, 1719, to *October* 12 of the  
same Year, inclusive.

Taken from an Attested Copy

**T**HE 24th of MAY, 1719, sail'd from Plymouth Sound, in Company with the Winchester, and Antelope, Wind S S W and fair Weather.

25th, Weather intermixt with Calms; at four *a. m.* Ram-head bore E N E four Leagues; about eight the Dodman N N W, three Leagues. Spoke with an English Vessel from South-Carolina, and prest three Hands out of her, and I left two of our Men in their Room.

29th, Little Wind and fair; at eight *p. m.* Cape Machiacaca S by E, three Leagues; at three *a. m.* tack'd to the Southward, and at six made the Signal for all Boats Mann'd and Arm'd; half an Hour after six I receiv'd a written Order from Capt. Johnson, to command the Boats, &c. and accordingly gave Chace to two Boats, which I drove on Shore just by Bormea, being full of Soldiers, and at eight left Chace, there running too great a Surf on the Shore for our low Boats to live; at nine came on Board, Cape Machiacaca S E by E, five Leagues.

30th, At eight *p. m.* St. Sebastian's Castle W by N, two Miles; said Castle fir'd three Shot at us; at one *a. m.* brought too up N W by N, off N by E; at three made Sail; at Noon we had the Antelope and Winchester anchor'd in Port-Passage, and moor'd Head and Stern with our Cables fast to the Rocks.

JUNE 1, Fair and pleasant Weather; made the Signal for Lieutenants and Boats Mann'd and Arm'd; at nine *p. m.*

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I receiv'd a written Order to command the Boats, &c. with each Boat a Lieutenant, and went out a cruizing.

2d, Ditto Weather, with Calms ; sent the Prisoners on Shore, and Mann'd and Arm'd the Prizes; and sent them with our Boat a cruizing ; this Morning the Boat return'd.

3d, Easy Gales and fair ; at nine *p. m.* I was order'd to command the Boats a cruizing; and took a Shallop from Fonteravia ; at four *a. m.* left off cruizing ; at five came on Board.

4th, Little Wind and fair Weather ; sent our Boats a cruizing to the Eastward of Fonteravia.

5th, Ditto Weather ; at five *p. m.* our Boats return'd from cruizing ; at four *a. m.* got out of Passage ; at ten anchor'd in Fonteravia Bay in ten Fathom Water. Ditto Point N W half N ; the Town S S W.

6th, Ditto Weather the first Part ; the Middle, Thunder, and Lightening ; at seven *p. m.* I was order'd to command the Boats a cruizing ; at three *a. m.* saw a Shallop and gave Chace, and at eight took her, with forty Deserters, two kill'd in the Action, and two jump't overboard, just as I enter'd on Board, and could not save them. I judg'd them to be Officers, being very richly dress'd. At eleven *a. m.* came on board with the Prize ; at Noon the thirty-six Prisoners were sent on Shore to the Duke of Berwick under a Guard of Seamen, and the same Day were shot as Deserters ; and the Town of Fonteravia surrender'd.

7th, Moderate Gales, with dark cloudy Weather, Thunder, Lightning, and Rain ; unmoor'd and sail'd to the Westward ; at Noon got off St. Sebastian's, and Mann'd and Arm'd the Boats to block the Castle up by Sea, as the Duke of Berwick had done by Land, so sent the Boats every Night on that Service, whom I commanded every other Night.

17th, Little Wind and cloudy Weather ; at eight made the Signal for the Boats, Mann'd and Arm'd, and was order'd to go into St. Sebastian's, to view the Harbour ; at six *a. m.* returned, and gave an Account of the Place, and of two Men of War that lay there, one of twelve, the other of eighteen Guns ; we lost but one Man, who receiv'd a Musket Ball in his Forehead and died instantly. Every other Day I was order'd to command the Boats a cruizing.

23d, Little Wind and fair Weather ; at five *p. m.* return'd, and bro't on board 150 French Soldiers ; at twelve Capt. Johnson told me to go with the Soldiers that were in the Boat, and surprize the Island of St. Clara ; so I jump't immediately into the Barge, put off with all the Boats after me, and row'd in a Bay  
just



just by the said Island, got the Boats together, and gave Orders how to proceed, and where to land; so proceeded, and as soon as we came within half Musket Shot, the Spaniards began to fire; so believing we should soon land and stop their Fire, we row'd in, and bore their Fire till I came to the usual Place of Landing, and finding it above Man Height perpendicular, and no Place to put a Man on to be of any Service, I order'd the Boats to be winded, and went thro' their Fire back again; so came on board with the Loss of 8 Men, 4 kill'd, and 4 died of their Wounds before got on board.

24th, Fresh Gales and squally, with Thunder, Lightening, and Rain, Wind N W; sent out our Boats with the Soldiers into Passage.

July the 1st, Moderate Gales and fair; at seven *a. m.* I was order'd to go into Oviedo, and view that Place; where the Spaniards fired very hot on us, but received little Damage, as one Man shot thro' the Mouth, and two Shots thro' the Boat; as I came out met with a Spanish Lanch, and took her, loaden with Wheat for St. Sebastian's; and at Noon return'd on board with the Prize; and gave an Account of the Place, that no Embarkation was in that Harbour.

3d, Fair Weather and calm; at eight *p. m.* sent our Boats a Cruizing; at four *a. m.* the Boats returned with a Prize of 12 Guns, whom we sent with the Winchester to the Westward; continued every Day our Boats a Cruizing.

13th, Little Wind and cloudy; the Winchester sent us three Prizes, which she took off St. Antonio, one a Spanish Bark, one French, one Irish Pink, and we sent them into Passage.

19th, Moderate Gales and fair; this Morning the Winchester joined us, and our Boats continued every Day cruizing.

20th, Cloudy with Rain; at six *p. m.* three French Men of War joined us, of 10, 12 and 20 Guns, from Passage.

21st, Little Wind and fair; at four *p. m.* hoisted a broad Pendant; at Noon the Town of St. Sebastian's surrender'd; we continued our Boats every Day a cruizing till the 31st.

31st, Ditto Weather; at eight *p. m.* we took on board 137 French Soldiers, and on board the Squadron were 700, and sail'd to the Westward, and put all the Ships to Short-Allowance of all Species.

August 1. Moderate and fair Weather; made the Signal for Lieutenants, and clear'd Ships.

2d, Ditto Weather, at six *p. m.* we anchor'd in a Sandy Bay to the Westward of St. Antonio, and made the Signal to land the Soldiers; which was done with much Difficulty, neither

ther Officers nor Soldiers caring to go ashore ; so Col. Stanhope jumpt out of his Boat, which embolden'd some of them to follow, and some were thrown over-board ; the English Ships fir'd very briskly at two Batteries, and they at us, till we dismounted their Guns, and then they run away ; at three *a. m.* With the Wincheffer and the Antelope, sent 40 of our Seamen who took Possession of the Batteries ; at ten we enter'd the Town of St. Antonio, when we Seamen burnt three Ships on the Stocks, one 70, and two 50 Guns each ; we likewise burnt all the King's Magazines, Storehouses, and what was in them, and all the Planks, Masts, and Yards that were in the Yard ; we took their Castles and demolish'd them, their Cannon we spik'd up, and threw what we could of them into the Sea, and burnt their Carriages.

3d, Ditto Weather ; at eight *p. m.* we reimbark'd ; at two *a. m.* weigh'd, and sail'd to the Eastward.

6th, Little Wind and fair Weather ; got off St. Sebastian's, and sent the Soldiers on Shore at Passage.

7th, Ditto Weather ; I was order'd to command the Boats a cruising ; at Noon a Flag of Truce came out of St. Sebastian's, who told me the Castle had surrender'd, and I brought him on board, where he gave the Particulars of the Surrender.

9th, Little Wind and cloudy, at four *p. m.* went into St. Sebastian's ; at five anchor'd in the Bay, six Fathom Water ; at seven moor'd the Eastermost Point of St. Clara Island NW by N, and the Castle Point N.

11th, Ditto Weather ; the Duke of Berwick came on board to see the Ship, and view'd the Island of St. Clara.

12th, Moderate and fair, the latter cloudy, with Thunder, Lightening, and Rain ; at four *a. m.* unmoor'd ; at six weigh'd and got out, and stood to the Westward.

17th, Little Wind and fair ; the Dursley Gally joined us from Great Britain.

19, Ditto Weather ; arrived before the Groin ; at six *a. m.* was order'd to go and view the Groin, and the Ships in that Harbour ; in coming out took three Shallops ; at Noon came on board with the Prizes, and gave an Account of the Place, that there lay 13 Sail of Shipping, five of them large, as 60, 70, and 80 Guns.

20th, Little Wind and foggy ; at eight *a. m.* made the Signal for all Boats mann'd and arm'd ; was ordered to command the Boats, and to go and view Ferrol and Decoina, and look for a Place where we might land a Body of Men, in order to march to the Back of the Groine, so proceeded accordingly, and landed  
a little

a little Way from Decoina, march'd to the Town, where there were 160 Families, and presently took the strongest Part of the Town; 10 or 12 of our Men being straggling and disordered, embolden'd the Spaniards to rally; we finding it, got ready, and received them so handsomely, that we killed 20 of them the first Fire, which immediately made the rest to turn Tail and run for the Mountains; so I view'd the Country, and embark'd; at six *p. m.* came on board, and gave an Account of the Country, and which Way they might march.

22d, Moderate and cloudy Weather; we took out of the Harbour of Quares a Privateer of 12 Guns, who had a Commission signed by the Spanish Embassador, dated at the Hague the 10th of August, N. S. the Captain's Name Sullivan, and the Lieutenant's Galloway, the Compliment of Men 80, they all got ashore, and left a Train to blow her up, but I prevented it; in the same Harbour we took a Bark laden with Provisions for the Men of War at the Groine, a Bark in Ballast, and another laden with Onions; afterwards landed our Men, and took off 240 Sheep.

23d, Ditto Weather; got all our Prizes out.

24th, Fresh Gales; Sent all our Prizes to Lisbon; this Afternoon came to an Anchor in the Bay of Finistre; the same Night took out of the River a Bark of six Tons in Ballast.

26th, Fresh Gales and cloudy; at three *p. m.* made the Signal for all Boats mann'd and arm'd; at four enter'd the Town of Finistre and took it.

28th, Fresh Gales and fair; this Morning sent the Dursley to convoy the Prize to Lisbon; got off some Oxen, Sheep, and Hogs, and sail'd.

31st, Fresh Gales and cloudy; got in our Station before the Groine, and sent our Boats a cruizing every Day.

September 5, Little Wind and pleasant Weather; the Dursley Gally join'd, and continued plying in our Station; sent the and Boats a cruizing every Day.

15th, Ditto Weather; at nine *a. m.* spoke with a Portuguese Carval from Ribardue, who inform'd us, that there lay in that Harbour two Men of War and a Merchantman; on which we left the Dursley in our Station.

17th, Fresh Gales and cloudy; at half an Hour after twelve we anchor'd in the Bay of Ribardue; the Castles and Ships fir'd very briskly on us for three Hours, and we at them; the Comodore sent for me, and gave me a Commission for the Greyhound, and told me I should go presently with the Boats and bring her out; on which I jump't into the Boat, and command-  
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ed the Rest of them to follow me; which they did, with 150 Men, and landed just by the Westermost Castle, which we took, and hoisted English Colours, and fired the Guns on the Town; then went in a Barge in order to go on board the Greyhound; and when we were about 150 Yards off she blew up, and the other Spanish Man of War was set on Fire; then went on board the Merchantman, where I found a Train to blow her up, which I prevented.

18th, Fresh Gales and fair, intermixt with Rain; the Town of Ribardue, capitulated, and deliver'd Hostages: In the Afternoon we attack'd Castropel, a Town two Miles up the River, and took it and brought Hostages to make them raise Contribution.

19th, Fresh Gales and hazy, at three *p. m.* I went with all our Boats, mann'd and arm'd, to Ribardue, and Castropel, to force them to stand to what they had promis'd me the Day before; so we took what we could get, which was 500 Piltrois from Ribardue, and 150 from Castropel; we exchang'd Hostages, demolish'd their Fortifications, and flung their Guns in the Sea; and the same Afternoon embark'd all our Seamen, and sail'd out of the Harbour.

20th, Ditto Weather; the Prize got out and join'd the Fleet, and we all stood to the Westward.

21, Ditto Weather; join'd the Dursley Galley before the Groine.

22d, Fresh Gales and Hazy, at 5 *p. m.* sent the Antelope, to convoy the Prize to Lisbon.

23d, Fresh Gales, and sniffling Weather; and Provisions growing short bore up for Great Britain.

October 3, Fresh Gales and cloudy Weather; the Wind being foul, bore up for Baltimore.

12th, Ditto Weather; sailed from Baltimore, and on the 14th arrived in Plymouth Sound.



*Authentic*

*Authentick Copy of the Examination of Charles White, belonging to the Ruby Man of War, (born in Drogheda in Ireland) taken and acknowledg'd before the Right Worshipful HENRY COMBE, Esq; Mayor of the City of Bristol, Jan. 20, 1740.*

**T**HIS Examinant voluntarily confesseth, and saith, That he hath been a Sailor on board the said Ship for about seventeen Months last past: That about one of the Clock in the Night of Sunday last, the eighteenth Instant, he was asleep in his Hammock on board the said Ship, and was called out by one *Matthew Mahony*, another Sailor on board the said Ship, who told him, That the Captain (meaning Capt. *Samuel Goodere*, Commander of the said Ship) wanted to speak with him in his Cabbin; and accordingly he went to him, and when he came to him, the Captain asked him to sit down, and then gave him a Wine Glass of Rum, and after that four or five more; and asked him, *If he could kill a Spaniard?* And this Examinant answered him, *That he never did;* upon which the Captain told him, he had got a Job for him to do, if he would undertake it; and this Examinant asked him, what Job it was? And the Captain told him, 'twas *to make away with his Brother*, whose Name (as this Examinant



Examinant is inform'd) was Sir *John Dinely Goodere*, Bart. who was in the Purser's Cabbin on board the said Ship : And the said *Matthew Mabony* told this Examinant, That he must go with him to help do it ; whereupon the said Captain went out of the Cabbin first, *Mabony* followed him, and this Examinant went next ; And when he came to the Purser's Cabbin-Door, where Sir *John Dinely* was, the Captain was standing Centinel himself at the Door with a Cutlass in his Hand, and *Mabony* had entered the Cabbin, and this Examinant enter'd likewise, where *Mabony* was talking with the said Sir *John*, and had a Piece of a Rope, called three Quarter of an Inch Rope in his Hand, about six Foot in Length ; and Sir *John* was lying on the Bed ; and particularly *Mabony* askt Sir *John*, how his Head was, and what he had got about it ? And at last told him, it did not signify talking about it any longer ; and then fell on him on the Bed, took hold of his Throat with his Hand (his Stock being on) and so strangled him with his Stock, and afterwards put the said Rope about his Neck, (which was prepared for the Purpose, with a Noose in it before it was brought out of the Captain's Cabbin) And then *Mabony* hawl'd the Rope tight about his Neck : And upon this Examinant asking him, what he did that for ? He said,

said, *for Fear he should not be dead enough*; And this Examinant took a Knife out of *his* Pocket and cut it off his Neck, and threw it over board; during all which Time the Captain *stood Centinel at the Door*, as afore-said; and as soon as this Examinant had so cut the Rope off, the Captain handed a Candle to *Mahony*, who gave it to him, and *Mahony* took the Watch and Money out of Sir *John's* Pockets; and then the Captain ask'd them, *Have ye done?* Meaning (as this Informant apprehended) murdered the said Sir *John*, and then came in himself; and this Examinant went thro' the Hold, and came upon Deck, where he walk'd for about the Space of half a Quarter of an Hour, and the Captain and *Mahony* went into the Captain's Cabbin together, and then this Examinant went into the Steeridge, and *Mahony* called this Examinant into the Cabbin, where the Captain had undress'd himself in order to go to Bed, and there the Captain gave him *five Guineas*; and this Examinant had receiv'd of the said Captain a fix and thirty Shilling Piece of Gold before the said Sir *John* was murdered: And further this Examinant saith, That *Mahony* shew'd the Captain the Watch he had taken out of Sir *John's* Pocket, and the Captain gave *Mahony* his own Watch, and kept Sir *John's* himself; and *Mahony* likewise

likewise shew'd the Captain the Money he had taken out of Sir *John's* Pocket, who bid him keep it, and *Mabony* gave it to this Examinant who put it into his Pocket; and he and *Mabony* shared the Money on the Fore-Castle, and this Examinant had two Pieces to one in Consideration that *Mabony* had the Watch; and this Examinant believes they shared about thirty Pounds between them; and further this Examinant saith, That the said Captain told him and *Mabony* that they might go any where for three Weeks, and he would send them their Tickets; and lastly, this Examinant saith, That between four and five of the Clock the same Morning the Man of War's Yawl was going to this City, and he and *Mabony* landed at the Gibb here.

CHARLES WHITE.

*Authentick*

*Authentick Copy of the Examination of Matthew Mahony, belonging to the Ruby Man of War, (a Native of Ireland) taken and acknowledged before the Right Worshipful HENRY COMBE, Esq; Mayor, of the City of Bristol, Jan. 20, 1740.*

**T**HIS Examinant confesseth and saith, That about sixteen or seventeen Days ago, and several Times since, he was desired by Mr. Goodere, Captain of the Ruby Man of War, now lying in *Kingroad* in the County of the City of *Bristol*, to seize his that Captain's Brother Sir *John Dinely Goodere*, Bart. and bring him on board the said Man of War, and that on *Tuesday* last this Examinant and the Crew belonging to the Man of War's Barge, and *Edward Mac Daniel* and *John Mac Graree*, and *William Hammond*, Privateer's Men, were placed by the said Captain at the *White-Hart* Ale-house, opposite *St. Augustine's* Church, in order to seize Sir *John Dinely Goodere* that Day; but it so happen'd the Captain forbid them to do it then, and that on *Sunday* last this Examinant, the said Barge's Crew, or the greatest Part of them, and *George Best*, Cockstern of the Barge, the said *Edward Mac Daniel*, *John Mac Graree*, *William Hammond*, and one *Charles Bryan*, Privateer's

Privateer's Men as aforesaid, were again plac'd at the *White-Hart* aforesaid, to seize the said Sir *John Dinely Goodere*, and waited there for some Time, and he coming out of Mr. *Jarrit Smith's* House, and coming under St. *Augustine's* Churchyard-Wall, this Examinant and his Comrades pursued him and near the Pump they came up with him, and told him there was a Gentleman wanted to speak with him, and he asking where the Gentleman was? was answered, a little Ways off, and he went quietly a little Way, but no one appearing he resisted and refused to go, whereupon this Examinant and Comrades sometimes forcibly hawl'd and push'd, and at other Times carry'd him over St. *Augustine's*-Butts, Capt. *Day's* Rope-Walk, and along the Road to the *Hot-Well* (Captain *Goodere* being sometimes a little behind and sometimes amongst the Crowd, all the Way) till they came to the Slip where the Barge lay, but Sir *John* was very unwilling to go, made the utmost Resistance, and cry'd out *Murder* a great many Times, and when he was put into the Barge, called out and desired somebody would go to Mr. *Jarrit Smith*, and tell him of his ill - Usage, and that his Name was Sir *John Dinely*; whereupon the Captain clapt his Hands on Sir *John's* Mouth to stop his Speaking, and told him, *Not to make*



*make such a Noise, he had got him out of the Lion's Mouth* (meaning the Lawyer's Hands) and wou'd take Care he shou'd not spend his Estate, and bid the Bargemen row away, which they did, and in their Passage to the Man of War the two Brothers bicker'd all the Way ; but when they came to the Man of War, Sir *John* went on board as well as he could, and the Captain took him down into the Purser's Cabbin, and stay'd a little Time with him and treated him with a Dram of Rum, and then left him for a considerable Time; and in the Interim sent for this Examinant into his the Captain's Cabbin, and there told this Examinant, *He must murder his Brother, for that he was mad, and should not live till four o'Clock in the Morning*; and this Examinant reasoning with him, and telling him he wou'd not be concerned, and that he thought he had brought him there with Intent only to bring him to Reason, and take care that he should not spend his Estate in Law, and to have a perfect Reconciliation; but the Captain still insisting that as this Examinant had taken him he should do it; and this Examinant then saying, He was not able to do it of himself, the Captain reply'd, If this Examinant could get no Body else, he and this Examinant must do it themselves; and then ordered him to call one *Elisha Cole*,  
and

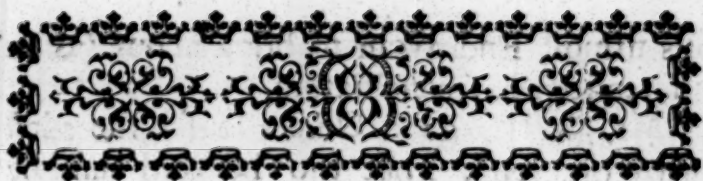
and he being too drunk to undertake such an Affair, bid this Examinant call one *Charles White*, a very stout lusty Fellow, and the Captain gave him a Dram, and bid him sit down and soon gave other Drams, and asked him if he could fight, and told him here's a Madman, and he must be murdered, and thou shalt have a handsome Reward ; and this Examinant, the said *Charles White*, and the Captain being all agreed to murder the said Sir *John Dinely Goodere*, the Captain then proposed the Method, and produced a Piece of Half-Inch Rope of about nine Foot long, and *Charles White* having made a Noose in the Rope, the Captain said, applying himself to this Examinant, and the said *Charles White*, You must Strangle him with this Rope, and at the same Time gave the Handkerchief now produced, that in case he made a Noise, to stop his Mouth ; and said, I will stand Centinel over the Door, whilst you do it ; and accordingly instantly went out of his own Cabbin and turned the Centinel from the Purser's Cabbin Door, and let this Examinant, and *Charles White* into the Purser's Cabbin, where Sir *John Dinely Goodere* was lying in his Clothes on a Bed ; the Captain having pull'd too the Door, and standing Centinel himself ; the said *White* first strangled Sir *John* with his Hands, and then put the Rope about Sir *John's* Neck,

Neck and hawl'd it tight, and Sir *John* struggled and endeavoured to cry out but could not, and this Examinant confesses, That whilst *White* was strangling Sir *John*, this Examinant took care to keep him on the Bed, and when one End of the Rope was loose this Examinant drew and held it tight, and thus each bore a Part till Sir *John* was dead ; they having rifled the Deceased of his Watch and Money, knockt at the Door to be let out, and the Captain called out, *Have ye done ?* They replying *Yes ;* he opened the Door, and ask'd again, *Is he dead ?* And being answered in the Affirmative, and having a Light, swore by G—d he'd besure he was dead, and then went in himself, and returning lock'd the Door, and put the Key in his Pocket ; and they all went together to the Captain's Cabbin again, and there this Examinant gave the Captain Sir *John's* Watch, and the Captain gave this Examinant his own Watch in Lieu of it ; and then the Captain gave them both some Money, and *White* afterwards gave this Examinant *eight Guineas*, as Part of the Money he took out of the Deceased's Pocket ; and then the Captain order'd them to be put on Shore in his own Boat ; and further this Examinant confesses and saith, That before the Murder was committed, the Captain, *Charles White*, and this

B                      Examinant

Examinant consulted what to do with the Corpse, and the Captain proposed to keep it two or three Days in the Ship, and as he expected to go to Sea could sew it up in a Hammock, or something else, and there throw it over-board; and that before this Examinant, and his Comrades were sent to seize Sir *John*, as is before set forth, they were ordered by Capt. *Goodere*, That if they met with any Resistance, they should repel Force by Force, and were prepared with short heavy Sticks, or Bludgeons for that Purpose.

*Matthew Mahony.*



The T R Y A L of

*Capt.* SAM. GOODERE, &c.

A House divided against itself being a certain Presage of Destruction, what a Blessing is there laid up for him, that with *the Labour of Love* promotes a Reconciliation, and unites the jarring and contending Parties to a happy and lasting Union? certainly there is no one Thing upon Earth deserves more the Esteem of Mankind, than that of closing and healing Family Breaches and Dissentions; inasmuch as it produces a Concord, unspeakable in itself, and proves the greatest Jewel of Christian Love. Happy had it been for Sir John and his Brother, timely to have adhered to the Interposition of Friends, in order to settle their Family Affairs, and to have been united in brotherly Love: Their Friends had so far Success in this important Affair, as indeed once to bring 'em together, chiefly at the Instigation of Mr. *Goodere*, who (under false Pretences) had importun'd Mr. *Farrit Smith* to use

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his



his utmost Endeavour to bring about (as he pretended) a Reconciliation.

Mr. *Smith's* good Offices so far succeeded with Sir John, That tho' he told him he thought it would be to no Purpose, for that he had been a real Friend to the *Captain* who had used him very ill, yet at last, he was pleased to pass a compliment on Mr. *Smith*, telling him, *He could not refuse any Thing he should ask of him.* Sir John then mention'd several Things the *Captain* had said, in particular, That at the Death of Sir *Edward Dinely*, his Father, Mr. *Goodere* had placed several Persons in the House where Sir *Edward* lay dead: And that he had endeavoured to set aside the Recovery, and had made a strong Application to the court of Common-Pleas for that Purpose; but notwithstanding, he again told Mr. *Smith*, *He could refuse him nothing.* That soon after Mr. *Smith* saw *Capt. Goodere*, and told him he had seen Sir John, and talk'd with him; and that he was pleased to tell him, *He would see him*, bidding him contrive a convenient Place to bring them together; that after some talk about setting aside the Recovery, and Sir John's Intention of borrowing a large Sum of Money upon the *Worcestershire* Estate, (the which *Capt. Goodere* contested) *Capt. Goodere* told Mr.

Mr. *Smith* he should take it as a great Favour, if he would fix a Time, as soon as he could to bring them together.—Mr. *Smith* acquainted *Capt. Goodere*, That *Tuesday* the 13th of *Jan.* Sir John would be with him, and desired him to be in the Way, for Sir John was always punctual to his Appointment, and if Business or any Thing happen'd to prevent it, he always sent him a Letter. Mr. *Goodere* thank'd him, and told him he would be in the Way. The *Tuesday* Morning Sir John came to Mr. *Smith's* on Horseback, just unlighted, and came into his Office, but would not sit down, saying, *His Head was bad*; that he must go for *Bath*, having been advised to go there for some-time, and then he did not doubt but he should be better. Mr. *Smith* acquainted Sir John, that his Brother knew he was to be in Town, therefore hop'd he would sit down a little, for that he had promised to bring them together. Sir John reply'd, *I will not now, but you shall see me again soon, and then you may do it*; appointing *Monday* Morning to settle his Business with Mr. *Smith*; but that he should be in Town the *Saturday* or *Sunday* before, and when he came he would let him know it: So mounted his Horse and rode off. Shortly after Mr. *Smith* met Mr. *Goodere* as he was going  
to

to the *Tolzey*, and told him that his Brother had been in Town, to which Mr. *Goodere* reply'd, *He had seen him, and that he look'd better than he used to do.* Mr. *Smith* then acquainted Mr. *Goodere*, that his Brother had appointed to be in Town with him on the *Monday* following, on Business, tho' he expected him in Town either the *Saturday* or *Sunday* before: That then the *Captain* made him many compliments saying, *How good it would be to make up the Matter between him and his Brother!*

— Mr. *Smith* heard nothing of Sir John till *Sunday* the 18th of January (the fatal Day of his Murder) at which Time Sir John and his Brother had an Interview at Mr. *Smith's* own House; where they appeared very sociable, and drank to each other's Health; but it is remarkable, that during the *Captain's* Stay at Mr. *Smith's* he took up a Cork that lay on the Table, and with great Force drove it into the Bottle, saying, *By G—d this won't do.* And as soon as Sir John was gone he went down the Steps after him; and so departed.

Then Mr. *Smith* acquainted the court, that some time after a Soldier came to him and inform'd him, that a Gentleman being vilely used by some Fellows, and hurry'd into a Boat, he call'd out, *That somebody would*

*go and acquaint Mr. Farrit Smith, how he was used, &c.*

The Reader will perceive in *Mahony's* confession, in what Manner Sir John was seiz'd, and convey'd on board the Barge; tho' there were several Evidences produced to prove, that he was hurry'd away by a Posse of Men, who were very insolent to whoever made any Enquiry: that as they hurry'd him along (in very indecent Postures) he call'd out *to go and tell Mr. Farrit Smith how he was used*; that the Captain walked after him and the Posse, with his cane on his Arm; that when in the Boat, Sir John was heard to tell his Brother, that he knew he was taking him down with an Intent to *murder him*: Therefore, says he, *Thee hadst better order thy Men to throw me over-board and drown me, and then take the Boat's Fore-Sheet, and go ashore and hang thyself*; telling him also that he was a Coward; and that if he had but a twenty Gun Ship belonging to the English, and He a fifty Gun Ship belonging to the Spaniards, he would engage and take him: That upon a Soldier's enquiring into the Reason of the Gentleman's being so ill used, he was answered by the Captain thus, *Why, Brother Soldier, he has committed Murder, and we are going to take him on board the Ship, in order*



*order to secure him, Brother Soldier! That the Captain stopt Sir John's Mouth with his cloak or coat whenever he cry'd Murder, or call'd out for somebody to go and tell Mr. Farrit Smith that he was forced away by his Brother; and that Mr. Goodere was heard to advise Sir John to make his Peace with God that Night.*

*Proceed we now to the particular Evidences who fix the premeditated Designs of the unhappy Gentleman and his Confidant Mahony, and also very clearly prove the Murder of Sir John Dinely Goodere.*

**I**T may not be improper to premise, That in a Tryal of this Nature, it would be quite needless to swell it beyond the Bounds of a Sixpenny Pamphlet, by enlarging on Things that are immaterial; to which End we have endeavour'd only to give the Substance of these Things that naturally lead to others, which being the System of the whole dismal Catastrophe, we have caused to be revised by the Evidences in Person, and which may be depended on as the most essential Points that fix the Murder in all its Circumstances. To which End we shall reduce Mr. Hobbs's Evidence (who keeps the *White-Hart* in *College-Green*) and then descend to those Evidences whose Depositions, (together with the two Confessions of *Mahony* and *White*) fix the Matters of Fact in the clearest Light.—The Substance of Mr. Hobbs's Relation, may be reduced into three Articles, *viz.*

1. That on *Monday, Jan. 12, 1740*, the Captain (who was dress'd in a Scarlet Cloak, and a Sword by his side) and *Mahony* came to his House, and desiring to see an upper-Room, went up Stairs, when the Captain looking out of the Window, said to *Mahony*, *Here's a fine Prospect of the Tower, &c.* and then ask'd Mr. *Hobbs* if he could Breakfast in that Room next Morning at Nine o'Clock, on a Dish of Coffee? But Mr. *Hobbs* endeavouring to recommend him to the Coffee-house a little below, he reply'd, he lik'd the Room (which presented to Mr. *Farrit Smith's* House in the Green) and had much rather have his Breakfast there than at the Coffee-house, and insisted very much on it.—That after calling for a Pint of Ale for *Mahony*, and paying for it, they both departed, the Captain telling Mr. *Hobbs* to mind the Hour for his Breakfast.

2. That



2. That *Tuesday* about seven or eight o'Clock the Captain came in by himself, dress'd in a drab-colour'd Coat, with the Cape button'd close up under his Hat, covering most of his Face, insomuch that Mr. *Hobbs* did not know for some Time that it was the same Gentleman that was there before; that he was then making a Fire in the Room: That the Shutters of the Windows not being open he desired Mr. *Hobbs* to open 'em, which he did, and in the Setler of which the Captain stood near an half an Hour, from whence he had a perfect View of Mr. *Jarrit Smith's* House; (and this was the Day Mr. *Smith* speaks of when Sir *John* promised to be with him to settle the Loan, &c.) That about the Time the Breakfast was got ready, *Mabony* and seven or eight more came in (amongst whom were *Mac Daniel*, *Hammond* and *Bryant*), when *Mabony* enquired if the Captain of the Man of War was there? and being inform'd by *Hobbs*, that the Gentleman who was with him the Day before was there, (but whether he was the Captain of the Man of War he could not tell) *Mabony* desired to be admitted to him, with whom he stay'd a considerable Time; when the Captain ordered the Men below to have what they would eat and drink, &c. during which Time *Mabony* often went up and down, and the others were often looking out either at the Door or the Window towards Mr. *Smith's* House; That after they had spent a considerable Time there, *Mabony* calls out to the Posse, and shews them Sir *John's* Man, who was riding one Horse, and leading another before Mr. *Smith's* Door, with Holsters and Pittols to each, telling them, *That is his Servant*: That shortly after he saw a Gentleman come out of Mr. *Smith's*, and mount his Horse: That as he mounted his Horse he heard the Captain call to *Mabony*, telling him, *That is he, look well at him, but do not touch him*; on which they all went out, and *Mabony* and the Rest returning about half an Hour after, bespoke the same Room for the *Sunday* following.

3. Accordingly on that Day, *Mabony*, *Mac Daniel*, *Hammond* and *Bryant* (whose Confessions are hereunto annexed) with three or four others, came to the *White-Hart*, and drank a considerable Time; that all the Time they were there, one or other was continually looking out towards Mr. *Smith's*; that about Five that Evening Sir *John* was seen coming out of Mr. *Smith's*, with a Velvet Cap on under a broad-brim Hat, who came down the Hill by himself; at the Sight of whom the *Russians* rush'd out, and the Captain was seen shortly to follow.— When it was that Sir *John* was seiz'd and Kidnap'd away, and afterwards murder'd, which will fully appear in the following Evidences.

## Edward Jones depos'd :

**T**HAT Sunday, Jan. 18, about Seven at Night, the Captain brought his Brother, Sir *John*, on board, and convey'd him down to the Purser's Cabbin, by Force : That when he was down, the Captain ask'd *Whether the Cabbin was clear* (for that the *Thursday* before the Murder, the Captain had order'd the said *Jones* to get the Purser's Cabbin ready for a Gentleman who was coming on board) : That he answer'd, *Yes, Sir* : That then he opened the Door, and the People of the Ship forc'd Sir *John* in, he groaning all the while : That when he was in, the Captain call'd for his Steward, and told him to bring a Bottle of Rum and a Glas : That the Captain ask'd Sir *John*, *How he did?* Sir *John* complain'd of Pains, and especially in his Thigh : That the Captain ask'd him, *If he would drink a Dram?* Sir *John* said, *He had drank nothing but Water these two Years* : That the Captain then ask'd him, *If he would have any Rum to bath his Thigh?* Sir *John* answer'd, *No* : That then the Captain order'd a Dram for *Mahony*, and *Elisba Cole* (who was the Person at first design'd to have done the Murder, but that he was drunk) : That after they had a Dram, they all came out of the Cabbin :  
That

That then *Cole* desir'd Leave to speak to the Gentleman (*Sir John*) thinking he was the Captain of the Ship he was pressed out of: That *Cole* went in, and told *Sir John*, *he did his Duty on board the Charles as well as another Man*, and swore he would have his Wages: That *Sir John* told him, *He did not know him; nor any Thing of the Charles*. On which he again swore, he would have his Wages before he went out of the Ship; for that if he was not the *Captain*, he was the *Owner*: That shortly after *Cole* went out; when the Captain call'd one of the Carpenters to put *two strong Bolts on the Purser's Cabbin Door*, which was accordingly done: That about this Time *Sir John* ask'd, If he could speak with any one of the Officers on board: That the Carpenter made Answer, *I am the Carpenter*: *Sir John* ask'd if he could speak a Word with him? He reply'd a Hundred, if he pleased: That the Carpenter opening the Door, in order to clench the Staples, *Sir John* ask'd him, *What his Brother Sam. was going to do with him? What is he going to murder me?* That the Carpenter reply'd *No, He is willing to have your Company, Sir; he does it for your Good*: That *Sir John* said, *But what will become of all my Servants and Estate all this Time?* That on this the Carpenter retir'd: That presently after the Captain came down again,

again, and order'd the Doctor's first Mate to go to *feel his Pulse*, saying, *We must patch him up as well as we can, he is a crazy old Man; Go in, says he, and feel his Pulse:* That accordingly the Doctor went in, and when he came to Sir John, he asked him, Where his Pains were; he answer'd, *He lately came from Bath, and had a Pain in his Head;* and complain'd of many other Pains, occasion'd by the rough Usage in bringing him on board. Says the Captain, *Doctor, feel his Pulse, and come out:* So accordingly the Doctor came out, and the Cabbin Door was shut: That after this he heard him *begging and praying for God to be comfortable to him in his Affliction, for that he believed he was going to be murder'd; and hop'd it would be brought to Light, for that it was impossible it could be done without somebody hearing or seeing it:* That about Nine at Night he heard him knocking and calling out, *Ho! Ho! Brother Sailors! I have almost forgot my Sea Terms, let me have a Bucket to pjs in, and ease myself, for it will be a Shame to do it in the Cabbin:* That he (*Jones*) look'd out at the Cabbin Door, and call'd out to the Centry to get something for the Gentleman to ease himself in: That presently afterwards *Mahony* came with the Bucket; when Sir John told him of his Exploits, and that he had been Captain of

an



India-Man, &c. That about Two or Three in the Morning his Wife waked him : That he heard a vast struggling at first, and the old Gentleman to cry, *Twenty Guineas ! Take it ! Take it ! Must I die ! Must I die !* and very soon after all was quiet : That then a Candle was handed into the Cabbin : That he saw, thro' the Crevice of the Partition, *Mahony* hold the Candle in his Hand, and *White* plunder'd his Pockets, turning his Body in order to come at it, and took out of his Pockets his Watch and Money : That *White* not getting the Watch out of Sir John's Pocket easily, *Mahony* said to *White*, *D—n it, lay hold of the Chain :* That it was some Time before they got the Watch out of his Pocket, being forced at last to unbutton his Breeches : That *White* put his Hand into one Pocket, and found nothing but Silver, and putting his Hand into the other, said, *HERE it is ?* That then he put his Hand in another Pocket, and found a Piece of Paper, which he was going to read ; but that *Mahony* damn'd him, and bid him put it in his Pocket, and not stand to read it now : That in about a Minute after he saw a *white Hand* on the Throat of the Deceased, which he took to be the *Captain's :* That presently they all went out of the Cabbin, and left the Deceased alone : That then he went to the Doctor's Mate and the Centry,

and



and by their Opinion they took the Gentleman to be dead : That then he went to the Lieutenant and told him what he had *heard* and *seen*, and that *Mahony* and *White* had murdered the Gentleman, and that he believed the Captain was concern'd : That the Lieutenant was very dubious of the Truth at first, telling him, he did not think the Captain would be guilty of any such Thing ; but on his giving him such plain Demonstrations of the Thing, he began to think there was something in it : That while they were talking, the Midshipman came to acquaint the Lieutenant, that the Captain had order'd *White* and *Mahony* ashore : That then he swore they should not go ashore, for that they were the two Persons that had kill'd the Gentleman ; but the Midshipman returning to the Captain, he order'd they should be put ashore immediately ; and accordingly they were : That about Nine or Ten in the Morning the Lieutenant and Gunner contrived a Method that he (*Jones*) should go in and complain he had lost six Guineas out of his Chest : That going with this Complaint, he seiz'd the Captain as he was walking with his Hands behind him : That the rest who were at Hand rush'd in after him : That upon the Captain's being thus seiz'd, he cry'd out, *Hay ! Hay ! what have I done ! what have I done !* That he (*Jones*) reply'd, *Sir, you are my Prisoner ;*  
*You*

*You was the Cause of your Brother's Death last Night : That the Captain said, If there is Murder done in the Ship, I know nothing of it : That accordingly he was secured, and the Barge order'd out for four of the Crew to pursue White and Mabony : That they took White at the Bell in Marsh-street, swearing and damning his Mother for sending him so much Money ; and was very much in Liquor, but was soon conquer'd and brought before a Magistrate ; when he was so drunk that his Confession was not taken till next Morning : That about Twelve at Night they took Mabony at a private House opposite the Ship on St. Michael's-Hill-Steps, and convey'd him before a Magistrate, and when he was sober he also made his Confession of the Murder.*

Both which Confessions are hereto prefix'd.

Mrs.

*Mrs. Jones, the Cooper's Wife, depos'd,*

**T**HAT on *Sunday* the 18th of Jan. 1740, somebody came down, when the Captain ask'd if the Cabbin was clean? and bid them *bring the old Mad Fellow in*: That then he call'd for the Doctor, and told him, that he had got an old *Mad Fellow* there, and that he must Doctor him as well as he could: That then they went into the Cabbin, when the Captain ask'd his Brother, How he did now? Sir John told him, He had a great Pain in his Arms and Thighs by the Men hawling him down to the Boat: That then the Captain ask'd him if he would drink a Dram? Sir John told him, No; for that he had drank nothing but Water these two Years: That then the Captain told him, He should have something to anoint his Thigh, and call'd for the Steward to bring a Bottle of Rum; when the Captain ask'd his Brother again, If he would drink; who answer'd him, No; on which the Captain said, It is so much the better for you: That at this Time she perceiv'd there was in the Cabbin one *Elisha Cole*, whom the Captain ordered a Dram for, and bid him sit down: That Sir John still complaining of his Legs and Arms, the Captain order'd *Mahony* to pull his Stockings off; on which Sir John reply'd, *Don't strip*

*strip me before I am dead* : That the Captain made Answer, *Don't mind him, for he is crazy*. Says Sir John to his Brother, *Brother Sam. what do you bring me here for? You can't murder me without letting somebody know of it*; telling him several Times, *He would rot in a Jail for it* : That then the Captain went to the Doctor's Mate, and sent him in to *feel his Pulse*, but charg'd him not to talk to him much : That in Obedience to the Captain's command the Doctor went in to Sir John, and felt his Pulse; when Sir John told him he had a great Pain in his Head; that he had been a Week from *Bath*, since which his Head was worse than ever : That the Captain went up to Supper : Mean while the Carpenter came to put on two Bolts to the Cabbin Door; when Sir John ask'd *Mahony* (who was constantly to and fro) if he could speak with one of the Officers? *Mahony* told him they were all on Shore, unless it was the *Carpenter*, and he was *nailing on the Bolts* : On which Sir John ask'd If he was going to be nail'd in? Replys *Mahony*, No, Sir : Then says Sir John, I desire to speak with the Carpenter : That on this *Mahony* went out of the Cabbin, but neglected to acquaint the Carpenter of it; so that Sir John call'd the Carpenter himself, and ask'd him if he pleas'd to hear him speak one Word? The Carpenter reply'd, Aye, Twenty, if you please.

please, Sir : That then he ask'd the Carpenter, What his Brother meant by bringing him there? The Carpenter reply'd, That he hop'd it was for his Good : Sir John made Answer, *But what will my Servants and my Estates do the while? I suppose my Brother tells you, I am a Madman; but I am not, tho' he is enough to drive me mad :* On which the Carpenter went out : That about Ten o'Clock the Captain came down again with a Pair of Stockings in his Hand, and ask'd his Brother if he would put them on? Sir John told him, No ; he would bide as he was : That at this Time Sir John did not talk much, but told his Brother, *He would rot in a Jail :* On this the Captain bid *Mahony* see if he had any Knife about him ; when Sir John took a little Knife out of his Pocket, and gave it to *Mahony*, and went and laid himself upon the Bed directly : That then the Captain went out, saying to his Brother, He would go and see for some Sheets for him ; and that as the Captain went out, he spoke aloud, and charg'd (suppos'd the Centry) that no one should come near him ; *for that by-and-by he'll kick and tear, and make a Noise, as tho' he would tear the Cabbin down; for that he was a Madman :* That then the Captain went out again, and sat in the Doctor's Birth, saying to Mr. *Marsb* the Midshipman, You must go ashore in the Morning between Three and



and Four o'Clock, and also order'd him to go to the Post-Office for the Letters: That if any Body made Enquiry about the *Old Mad Fellow*, he should tell them, "That he had brought him on board, to prevent his rotting in Jail": *In short*, (continues he) *the World has blamed me, that I have not done it before.* That about Twelve, Sir John ask'd *Mahony* for the Knife; *for what does my Brother think I am going to make away with myself? God forbid, the World is wicked enough to do that:* Telling *Mahony* it was his Son's Knife that was dead; and that he would have it again: And after he had talked to him some time, he bid him go out, for that he could bide by himself: That *Mahony* said to him, Sir, I must bide and take Care of you, and immediately put the Candle out: Sir John still kept talking with *Mahony*, praying to GOD to give him Patience; and *Mahony* told him, He must have Patience: Sir John reply'd, *sighing, I had as good.* That still Sir John kept on talking to *Mahony*, telling him, If a great many Gentlemen of *Bristol* did but know how he was used, they would fetch him from thence: Then *Mahony* told him, That he should go ashore in the Morning, and that then he would convey any Letters to the Post-Office, if he pleas'd: That something after Two, she happen'd to awake, when she

heard *Mabony* persuading Sir John to go to sleep : That Sir John and *Mabony* kept on talking for some Time, when on a sudden she heard a great Struggling, and two People whispering in the Cabbin, and Sir John groaning and making a lamentable Noise, muttering out, *Mur--der ! Help, for God's Sake !* giving several Kecks with his Throat : That somebody offering to open the Door (supposed to be the Captain) one of those that were inside said, *Keep out you Negar, or, Keep the Door too you Negar :* That while that Person was at the Door, Sir John said, *Here's Twenty Guineas for you, Take it ! Take it !* speaking in a very inward Manner, *Must I die ! Must I die !* That between the Words he gave several Kecks for Breath, and spoke very inwardly, *Oh ! my Life !* which were the last Words he spake : That some Time after a Light was brought in, which she saw in *Mabony's* Hand : That then she saw a Man trying to pull Sir John upon his Back, his Face lying against the Boards : That then she saw the same Man (viz. *White*) pull his Knee, in order to come at his Pocket ; when *Mabony* said, D— ye, pull his Watch out ; the Person reply'd, He could not ; then *Mabony* told him to pull it out by the Chain : That then she said to her Husband, The Gentleman is dead, for they are robbing of him : On which her Husband  
got

got up, and look'd thro' the Crevice of the Partition; but her Sight being intercepted by her Husband, she could not see him draw the Watch out of the Pocket; tho' afterwards she saw *White* give it to *Mabony*, bidding him to put it into his Pocket: That presently after she heard one say, *Here's nothing but Silver*: Then heard him say again, *Here's the Gold*! That hearing no more of 'em in the Cabbin, she heard 'em go out, and also heard 'em bolt and lock the Door: That several Words were spoken when they were out at the Door, which she could not rightly understand; only, that she heard *Mabony* say in a Flutter, *Which Way shall I go*? When the other answer'd, (who by his Voice she then knew to be *White*) *Follow me, my Boy!* and so went off,

*Duncan*

## *Duncan Buchanan, depos'd,*

**T**HAT Jan. 13, 1740, the Captain ordered the Barge and Yawl up, (and in each of which was a Midshipman) and ordered a Midshipman and six of the Barge-men to go to the Sign of the *White-Hart* the Foot of the *College-Green*: That when they came there they saw the Captain, *Mabony*, and five of the Privateer's Men; who were drinking hot Flip in a Room by themselves, while himself and the five Bargemen were sitting in the Publick Kitchen drinking of Ale: That shortly after he saw Sir John come from Mr. *Smith's* opposite the *White-Hart*, where his Man was waiting for him, with Pistols to each of their Horses: That the five Privateer's Men seeing him, they rush'd out together, and were for seizing of Sir John then; but that the Captain ordered them not to touch him at that Time, but to follow him, and see which Way he went: That they followed him round the Corner, and the Captain after them; But the Captain return'd to the *White-Hart* again in about an Hour, and ordered the Boat down. — That the *Sunday* following, the 18th Instant, the same Gentleman he saw in the *Green*, was brought on board the *Ruby*; That  
as he

he was bringing on board, the Captain bid the People *mind not what he said, for that he was a Madman, and he would bring him to his Senses by-and-by.* That he saw no more of him for this Time. That at 12 o'Clock he was call'd to go Centry over Sir John in the Cock-Pit at the Purser's Cabbin-Door; that a little after 12, the Captain sent his Man for him: That he gave the Centry at the Gun-Room Charge, that no Body should come down the Ladder 'till he had spoke with the Captain: That when he went into the Captain's Cabbin, he saw the Captain and *Mahony* with a Bottle of Rum and Glas before them, out of which he had a Dram. That he ask'd him, *If his Brother made any Noise?* On which he told him that he made a little Moan for the Time that he was there. The Captain reply'd, *I know the Reason of that, he is wet, he wants to be shifted; I will come down and shift him with dry Stockings presently:* That when he went out, the Captain told him to let no Body into the Purser's Cabbin to Sir John, but *Mahony* — Says *Mahony* you may let another go in, because — here he went no further: That about Two the Captain came down to the Cock-Pit, and asked him if his Brother made any Noise? and listen'd himself at the Cabbin-Door to hear if he made any Noise: That Sir John made



made a little Moan : That the Captain said to him, *Centry, give me the Sword, and you go upon Deck, because I want to talk to my Brother privately by himself* : That accordingly he gave him the Sword, and went up into the Gun-Room, and there walk'd : That a little after down came *Mahony* ; and the Centry asked where he was going ? He said, *D——n you, you Dog, what is that to you ; D——n you, how busy you make yourself !* That then *Mahony* went down (where the Captain was standing with a drawn Sword in his Hand) into the Cock-Pit, and so into the Purser's Cabbin, where Sir John was lying : That a little after he heard Sir John mutter out, *Mur-der* ; That then every Thing was quiet for a little while ; and the Captain took the Lanthorn that was hanging up, and gave it into the Cabbin himself : That seeing the Candle given into the Cabbin, he thought it not proper for the Captain to stand without a Light ; that therefore he lighted a Candle at the Gun-Room, and was going down into the Cock-Pit, where the Captain was standing with a Sword in his Hand ; that at his Approach the Captain held his Sword to his Breast, and told him to *keep back*, saying, *Stay where you are* : That accordingly he went back, and walk'd for a small Space of

of Time, in the Gun-Room: That the Captain came to the Foot of the Ladder with the Candle out and gave it to him, telling him to light it and come down: That accordingly he lighted the Candle and went down, when he gave him the Sword, and bid him take his Post, locking and bolting the Purser's Cabbin-Door, putting the Key in his Pocket (which before the Murder, was left in the Cabbin-Door) telling him, *If he heard his Brother make any more Noise, to send to him and let him know of it.*

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*The following is Part of the other Evidences, which for Brevity Sake, as they are not so material as the foregoing, we have reduced to a few general Heads.*

THEODORE COTE, the Master of the *Ruby*, depos'd, That he saw the Gentleman brought on board, and that the Ship was then in *Kingroad*: That in the Morning the *Captain* sent for him, and told him he had an Order from the Admiralty to go to Sea, tho' he did not care if he got no farther than the *Holmes*, and ask'd him, *If there was good Anchoring Ground there?* Mr. Cote reply'd, There was no such Thing as anchoring

ing there; the Captain insisted very much on going, but Mr. *Cote* told him, that the Ship was an old tatter'd Vessel, and that he must go against Wind and Tide, so did not care to venture to move the Ship from where she was.—— Here arose a Dispute, whether the Ruby was really in the Liberties of the *City and County of Bristol*; the Captain endeavouring to prove, that she rode a good Way up the *Severn*. But several of the oldest Officers being sworn, and deposing, that they had for a great many Years served Processes out of the Courts of *Bristol* and *Westminster* in *Kingroad*, it prov'd a sufficient Precedent to confirm the Authority of the Court.

Mr. WILLIAMS prov'd, that he steer'd the Barge Sir *John* was carried down in, and heard a great deal of Talk, the Substance of which is before recited, particularly that Part of it where Sir *John* advis'd the Captain, *after he had murder'd him, to go and hang himself, &c.*

Mr. WELLER, the Carpenter, prov'd, that he put the Bolts on the Cabbin-Door by the Captain's Order, whilst Sir *John* was in the Cabbin.

WILLIAM

WILLIAM MAC GINNIS swore, That he saw the *Captain* stand at the *Purser's Cabin Door* at the time of the Murder, with a drawn Sword in his Hand ; and that when he offer'd to draw near him, the *Captain* held up his Sword, and bid him keep back.

Mr. DUGGEN, Doctor's Mate, that the *Captain* order'd him into the *Cabin* to feel the Gentleman's Pulse ; and that he acquainted the *Captain* that his Pulse was regular.

The Captain in his Defence pleaded the utmost Innocence ; ailedging, That could it be thought he could be guilty of the Murder of his Brother Sir John, whereas by his Death he lost at least 40,000l?—That the Sickness and Disorder in the House, debarr'd him of his Lawyer's and Friends conversing with him : — That he apply'd to the Captain of the *Ruby* as soon as he was allow'd Pen, Ink, and Paper, for his Evidences on Ship board (which were Lieutenant *Perry* ; the Doctor ; Mr. *Robert Haythorn* ; Mr. *Richard Wilson*, and Mr. *Hugh Driscall*) : — That he had applied to the Lords of the Admiralty, who sent him an Order, but that the Ship sail'd the Day before it arriv'd ; which debarr'd him of justifying himself, they being material Evidences : — That  
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the News-Papers being full of reflecting false Expressions to prejudice the People against him, was a great Detriment to him: — Then he urg'd (in a low Speech) That his Prosecutors would set easy in the Birth-Right of his poor innocent *Children*, should he be convicted: — In Vindication of his causing Sir John to be seized in the Manner he was, he urg'd, That he was a Lunatick, and therefore, he did it to take care of him; — That his being taken in the Day-time on board, was plain, there was no secret Design, or that he was to have any Harm come to him: — And that even when he parted with him at Mr. *Smith's*, he behav'd in a very mad Manner, and took no Leave.

Mr. *Goodere*, in order to prove Sir John a Lunatick, called upon Mrs. *Gethens* to signify, That he had intimated to her some Time before his Intention of securing Sir John as a *Lunatick*; and that he propos'd to her to have a Garret for Air and other conveniences before he went on board; that *Mahony* was to attend him, and to have *five Shillings* per Week for his Pains; (tho' Mrs. *Gethens* when call'd on, declar'd, she knew nothing of *Mahony*, nor of any such Bargain): — And that his being carry'd on board in the Day-time, plainly shew'd there was no evil Intention: — That the People



on board knew of his coming a Week before he came; therefore (he intimated) that he must be very sily to bring a Person to 300 Evidences to commit a vile Act, where nothing can be a Secret above four Hours. The Persons Mr. *Goodere* brought to prove Sir John a Lunatick were two young Women, one of whom believed him to be a Lunatick, or mad, because he would get up in the Middle of the Night, and disturb all the Servants; that sometimes he would busy himself in *hanging on the Pot*, &c. &c.

Another Person was called to prove Sir John had made his Will several Months before, &c. — And being ask'd concerning the Disposition of Sir John? He reply'd, That he was a good Friend, a loving Neighbour, and a kind Landlord; That he was so far from being a Lunatick, as to be capable to negotiate his own Affairs with his Tenants, &c.

Another Gentleman was call'd by Mr. *Goodere*, to his character; but being ask'd whether he knew Sir John to be any ways mad, or the like? He declar'd, That he was so far from being a Lunatick, that he had more Sense than all the whole Family. Sir John was also prov'd by Mr. *Smith* to be in his perfect Senses the Hour before he was hurry'd away.

During the course of this Tryal, several Points of Law were argued, particularly

by the council for Mr. *Goodere*, who endeavour'd in one to quash the Indictment, on Pretence, That as *Baronet* was left out of the Indictment, it could not be supposed his Name was perfect: But this was soon confuted by the council for the King, who produced several Pecedents, That *Title* was no Part of a Person's Name.—The Evidence for the King being clear and full, after a Tryal of nine Hours, the Jury brought in their Verdict against the *Captain* and *Mahony* in less than fifteen Minutes.

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*Friday, March 26, Charles White*, who in Conjunction with *Mahony*, was aiding and assisting in the Murder of Sir *J. Dinely Goodere*, was alone indicted for the said Fact. The Evidence against him were the Cooper and his Wife, whose Depositions were chiefly a Recapitulation of what was deliver'd in the Tryal of the *Captain* and *Mahony*; it being fully prov'd, That he was in the Cabbins at the Time the Murder was committed: That he was seen rifling the Pockets of the Deceased: And lastly, by his own voluntary *Confession*, that he was a *Principal* in that Action.

The Prisoner urg'd in his Defence, that he was call'd out of his Hammock, and made *drunk* by the *Captain*:—But it was remark'd, that

that he could recollect every minute circumstance of the Affair, except the Point of the Murder; and the circumstances of Guilt being deducible to the former Part of the *Cooper's* and his Wife's Evidence, the Jury in a few Minutes found him *guilty*.

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*The Confession of the three Privateer's Men, who Kidnapp'd Sir John Dinely Goodere.*

I Unfortunately got acquainted with *Matthew Mabony*, a Seaman who belong'd to the *Ruby* Man of War, and in conversing with him at my own Lodgings, I and my Comrades told him we had shipt ourselves to go to *Jamaica*, at which he desired me not to go away until the *Friday* following; for if we would but assist him in getting a Man that was crazy into the Man of War's Boat, he said the Captain would reward us, not only with a Bond of *fifty Guineas*, but likewise protect us from the Press, which occasion'd us on the *Tuesday* to go to see the Captain; but not finding him at his Lodgings, went with the said *Mabony* to the Sign of the *White-Hart* in *College-Green*, and, as the Landlord told us, the Captain ordered us what Liquor and Victuals we pleas'd to call for: But we being afraid to go nigh the Man of War's Boat, acquainted the said *Mabony* with our Doubts, he immediately acquainted the Captain therewith; who told him not to be under any Dread, for it was not worth while to lye in that Manner for three or four Seamen, but that he wanted to lay hold of a Man who was a Lunatick, and ruining himself, his Family, and him the said Captain; and that he wanted him on Board to keep him out of the Lawyers and Affidavit Men's Hands, and promised that no Harm should attend us upon that Account, that he would not only give us a plentiful Reward, but likewise protect us from all Manner of Press: That  
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when the said Gentleman came out of Mr. *Smith's* House in the *Green*, the Captain ordered us not to touch him, but to follow him and see if he put up at any House in the City, which we did; but the Gentleman continuing his Journey without stopping we returned back, and on our Return *Mahony* went into a Coffee-House near the Change, and spoke to the Captain, who told him we should have a better Opportunity, and desired of us not to be out of the Way; and accordingly we all met, and waited in the *Green* until the Gentleman came out of Mr. *Smith's*, where he left the Captain behind him; and being encouraged by *Mahony*, and others belonging to the said Ship, we stopt him and helped him to the Man of War's Boat, being assisted by some of the Crew; the Captain came presently after us to the Boat, where we left them and returned to our Lodgings, where we staid all Night; but in the Morning following, before we were out of Bed, *Mahony* and one *Charles White* came to our Lodgings, and made us get up to drink Punch, which we did, but seeing *White* have a Quantity of Gold, and *Mahony* have a Gold Watch, it made us imagine they had robb'd the Gentleman, and there-upon we went directly on board the Man of War to acquaint the Captain; but when we got on board we found the Captain a Prisoner, for assisting in the Death of the Gentleman; and the Lieutenant knowing that we helped to bring him to the Boat, ordered us to be confined, where we remained for eight Days, until the Mayor sent for us; and after examining of us, committed us to *Newgate*, where we now remain.

*William Hammond,*  
*Edward Mac Donel,*  
*Charles Bryant.*

N. B. *Mahony* has declar'd since his Condemnation, That Mr. and Mrs. *Jones* (i. e. the Cooper and his Wife) were in particulars just and true in their Depositions.

T H E E N D.